



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,914	02/17/2000	Ronald A. Katz	245/249(6046-101D9)	7141

35554 7590 04/07/2004

REENA KUYPER, ESQ.  
BYARD NILSSON, ESQ.  
9220 SUNSET BOULEVARD  
SUITE 315  
LOS ANGELES, CA 90069

EXAMINER

WOO; STELLA L

ART UNIT	PAPER NUMBER
----------	--------------

2643

29

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/505,914

Applicant(s)

KATZ, RONALD A.

Examiner

Stella L. Woo

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 97-131 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 97-131 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 97-131 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 97, line 15, the term "said...seller" lacks proper antecedent basis.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 97-111, 114-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino (US 5,606,496) in view of Smith (US 5,450,123) for the same reasons given in the last Office action and repeated below.

D'Agostino discloses a commercial transaction communication system (Fig. 1) for selectively enabling video communications through a communication system (telephone network; col. 7, lines 29-40) between members of plural groups (customer terminals 14 and representative terminals 12), comprising:

Art Unit: 2643

video display systems (customer terminal 14 in Fig. 2A; representative terminal 12 in Fig. 2B; the customer terminal capable of operating in a video image display mode or a menu display mode (col. 6, lines 49-56);

an interconnect system (telephone system including communication links 16, 18) adapted to selectively electronically couple the video display terminals (customer terminal is selectively coupled to the appropriate representative terminal) through the communication system on the basis of stored information (preset numbers are stored which correspond with different financial services; col. 4, lines 21-29) and buyer input (desired financial service is selected by the customer depressing the appropriate button (col. 4, lines 24-29) and to permit the exchange of commercial transaction data (credit card payment data; col. 7, lines 4-6, 65-67); and

a video format switch (the representative uses an input device 46 to effect either a compatible video image display or a menu display; col. 6, lines 47-56).

D'Agostino differs from claims 97-129 in that although it provides for transmitting a video image of the representative, it does not specify communicating a dynamic, full-motion video. However, Smith teaches the desirability of including a camera so that direct, real-time, point-to-point video communication can take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such dynamic, full-motion video communication, as taught by Smith, within the system of D'Agostino in order to provide a real-time video as well as audio communication between the customer and representative. In this way, a more realistic face-to-face meeting can take place.

Art Unit: 2643

Regarding claim 110, Smith provides for a dynamic video source and database 6.

Regarding claim 111, D'Agostino provides for a printer 28 and printer 50.

5. Claims 112-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of D'Agostino and Smith, as applied to claim 97 above, and further in view of Ando et al. (US 4,888,795, hereinafter "Ando") for the same reasons given in the last Office action and repeated below.

The combination differs from claims 112-113 in that it does not specify the video being freeze-frame or high resolution. However, Ando teaches the desirability of providing the option of transmitting a single frame, high resolution video signal (such as when a text document is to be transmitted for clear viewing) or a full-motion, low resolution video signals (such as when face-to-face communication is desired) (Abstract; col. 1, line 24 - col. 3, line 35; col. 4, line 31 - col. 5, line 9; col. 7, line 39 - col. 8, line 3). It would have been obvious to an artisan of ordinary skill to incorporate the use of freeze-frame, high resolution video communication, as taught by Ando, within the combination of D'Agostino and Smith in order to allow for transmission of captured document data which requires a higher resolution than a moving image of the user's face.

6. Claims 130-131 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino in view of Smith, as applied to claim 97 above, and further in view of Donald et al. (US 5,053,956, hereinafter "Donald") for the same reasons given in the last Office action and repeated below.

The combination of D'Agostino and Smith differs from claims 130-131 in that although it provides for displaying products to the customer (Smith, col. 2, lines 65-68), it does not specify an inventory control system. However, Donald teaches the desirability of coupling an interactive video display system with an inventory control system (col. 7, lines 3-9; col. 9, line 61 - col. 10, line 4) so that a customer can view products along with the number available in stock such that it would have been obvious to an artisan of ordinary skill to incorporate such coupling with an inventory control system, as taught by Donald, within the combination of D'Agostino and Smith so that the customer can be apprised of availability while the seller's inventory database is kept current as items are purchased.

### ***Response to Arguments***

7. Applicant's arguments filed December 24, 2003 have been fully considered but they are not persuasive.

Applicant argues that "the D'Agostino system does not accommodate plural vendor groups." However, the representative terminals 12A-12Y can be grouped according to types of personal financial services covered (col. 7, lines 11-28) such that they can clearly be considered as "plural vendor groups," with "vendor" selection being performed based on the type of service requested by the buyer (col. 6, lines 27-43).

Regarding the selective coupling based on stored information and buyer input, as described in the above rejection, the D'Agostino system provides for selecting a particular representative terminal for coupling based on stored information (preset numbers are stored which correspond with different financial services; col. 4, lines 21-29) and buyer input (desired

Art Unit: 2643

financial service is selected by the customer depressing the appropriate button (col. 4, lines 24-29).

Regarding the display system operating "in at least two modes," the customer terminal of D'Agostino is capable of operating in a video image display mode or a menu display mode (col. 6, lines 49-56).

Applicant argues that Smith does not teach the video being freeze-frame or high resolution. However, the Ando patent, not Smith, was relied upon for providing the option of transmitting a single frame, high resolution video signal (such as when a text document is to be transmitted for clear viewing) or a full-motion, low resolution video signals (such as when face-to-face communication is desired) (Abstract; col. 1, line 24 - col. 3, line 35; col. 4, line 31 - col. 5, line 9; col. 7, line 39 - col. 8, line 3). It would have been obvious to an artisan of ordinary skill to incorporate the use of freeze-frame, high resolution video communication, as taught by Ando, within the combination of D'Agostino and Smith in order to allow for transmission of captured document data which requires a higher resolution than a moving image of the user's face.

Applicant argues that the Smith "disclosure offers no suggestion of combination with a system likened to D'Agostino." However, the system of Smith, like D'Agostino, is directed to communication between a calling customer and an agent terminal (such as a stock broker, col. 3, lines 58-65), in which the agent can control the video images displayed to the customer. Smith teaches the desirability of using videotelephone sets equipped with cameras (col. 1, lines 18-36; col. 4, lines 8-28).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

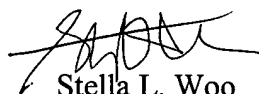
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo  
Primary Examiner  
Art Unit 2643